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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,560	11/28/2003	David Tavares	JJ-12 009-1US	4983

7590 04/29/2008  
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EXAMINER
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HO, ANDY

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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04/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,560	<b>Applicant(s)</b> TAVARES ET AL.	
	<b>Examiner</b> ANDY HO	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment filed 1/30/2008.
2. Claims 1-9 have been examined and are pending in the application.

### ***Claim Objections***

3. Claim 7 is objected to because of the following informalities: "status' " (line 2) need to be written as "status". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**As to claim 1**, the applicant recites the new limitations: "based upon one or more of the nature of the event notification", and "including the nature of the event notification, the first external system that generated the event notification and the one or more other systems or devices that received the event notification". There does not appear to be written descriptions of the newly claimed limitations in the application as filed. The

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applicant indicated (Remarks, third paragraph page 4) the new limitations are from: page 9 lines 10-13, page 15 lines 8-21 and page 16 of the specification. However, a complete reading of the cited lines and pages, as well as all pages of the specification, there does not appear to be written descriptions of these newly claimed limitations. Therefore, it is clear the amended claim 1 contains subject matters not described in the specification.

**As to claim 5**, the applicant recites the new limitation: “additional textual and/or binary data is statically associated with the first external system or device and may be incorporated into the event notification from the first external system or device”. There does not appear to be a written description of the newly claimed limitation in the application as filed. The applicant indicated (Remarks, fourth paragraph page 4) the new limitation is from: page 12 lines 27-33, page 15 line 20 to page 16 line 28 of the specification. However, a complete reading of the cited lines and pages, as well as all pages of the specification, there does not appear to be written descriptions of this newly claimed limitation. Therefore, it is clear the new claim 5 contains subject matter not described in the specification.

**As to claim 6**, the applicant recites the new limitation: “additional textual and/or binary data is dynamically associated with the first external system or device and may be incorporated into the event notification from the first external system or device”. There does not appear to be a written description of the newly claimed limitation in the application as filed. The applicant indicated (Remarks, fourth paragraph page 4) the new limitation is from: page 12 lines 27-33, page 15 line 20 to page 16 line 28 of the

specification. However, a complete reading of the cited lines and pages, as well as all pages of the specification, there does not appear to be written descriptions of this newly claimed limitation. Therefore, it is clear the new claim 6 contains subject matter not described in the specification.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

(i) the given event notification (lines 3-4 claim 4). Correction is required.

(ii) the delivery status disposition (lines 1-2 claim 9). Correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant U.S Patent No. 7,043,566 in view of Jennings U.S Patent No. 7,191,244.

**As to claim 1**, Grant teaches an event management system for managing event notifications between disparate systems (Figs. 1 and 5, line 43 column 4 to line 7 column 5, lines 5-53 column 7) comprising

a means to capture event notifications from a first external system or device capable of generating an event notification (retrieving event data from plurality of members, lines 1-2 column 4, Fig. 1, line 43 column 4 to line 7 column 5);

a means to process said event notifications through a multitude of user-configurable settings (event data are processed based on user's settings via a user interface, Figs. 3a and 3b, lines 19-48 column 6), including selection of one or more other systems or devices capable of receiving an event notification (a request from a requestor to receive event information over a certain time period for either a particular member or for the entity as a whole, line 54 column 7 to line 12 column 8) through assignment of one or more event notification paths based upon one or more of the nature of the event notification, the first external system or device and the one or more other systems or devices (line 57 column 5 to line 48 column 6, lines 26-34 column 8, lines 51-63 column 8);

a means to deliver said event notifications to said other systems or devices capable of receiving an event notification based upon the assignment of the one or

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more event notification paths (distributing event data to plurality of members, lines 10-25 column 4, line 57 column 5 to line 48 column 6, lines 26-34 column 8, lines 51-63 column 8);

a means to facilitate lateral communication between the first device that generated an event notification and said one or more other systems or devices that received it (line 57 column 5 to line 48 column 6; event notification communication between members, Fig. 5, line 5 column 7 to line 25 column 8; ...by subscribing for events from event sources, the event consumer will be notified once the events occur..., lines 26-63 column 8);

a means to permanently record the details of an event notification including the nature of the event notification (logging event types and event severity types, lines 1-2 column 10) the first external system that generated the event notification (information on the entity that is being monitored, lines 25-61 column 2) and the one or more other systems or devices that received the event notification (member that stores the event, lines 2-7 column 3), and its life within the system for any purpose (storing the logged events for the purpose of viewing different data types concurrently, lines 7-10 column 4; lines 19-48 column 6; lines 13-25 column 8).

Grant does not explicitly teach recording for the purpose of auditing. Jennings teaches a system of collecting occurred events and storing these events in logs for the purpose of auditing (lines 13-21 column 12, lines 1-7 column 13). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Grant reference to include the teachings of Jennings reference because

by storing and auditing the events, the system could produce reports regarding the occurred events within the system as disclosed by Jennings (lines 6-21 column 12).

**As to claim 2**, Grant as modified further teaches assignment of event notification paths between event-generating devices and event-receiving devices are applied in a static manner (communication paths between members of the system are defined, Figs. 1-2, 4-5 and associated specifications).

**As to claim 3**, Grant as modified further teaches the assignment of event notification paths between event-generating devices and event-receiving devices can be dynamically applied to, or removed from a specific device during the event notification (...The configuration of which event types and event severity types to log and not to log can be specified at any one of the members of the entity. The configuration is then dynamically replicated to each member. Then the events are collected on each machine, mapped to a common schema, and stored. A single event result set can then be stored in a database in the common event type format..., lines 44-61 column 2; ...a request from a requestor to receive event information over a certain time period for either a particular member or for the entity as a whole..., line 54 column 7 to line 12 column 8).

**As to claim 5**, Grant as modified further teaches additional textual and/or binary data is statically associated with the first external system or device and may be incorporated into the event notification from the first external system or device (...the event gathering and aggregation system 94 will also insert/merge strings (e.g., event templates) in the data fields that provides event details from the event instance and



additional information on the event. The strings or templates include extended information about the event, such as what the event means, the severity of the event, what needs to be done, help messages and links to online support..., lines 13-25 column 8).

**As to claim 6**, Grant as modified further teaches additional textual and/or binary data is dynamically associated with the first external system or device and may be incorporated into the event notification from the first external system or device (...the event gathering and aggregation system 94 will also insert/merge strings (e.g., event templates) in the data fields that provides event details from the event instance and additional information on the event. The strings or templates include extended information about the event, such as what the event means, the severity of the event, what needs to be done, help messages and links to online support..., lines 13-25 column 8).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grant in view of Jennings, and further in view of Deen U.S Patent No. 6,999,992.

**As to claim 4**, Grant as modified does not teach wherein the assignment of event notification paths between event-generating devices and event-receiving devices can be applied in a transitory manner so that they automatically expire when the given event notification expires, and as such, will not persist to subsequent event notifications originating from the same first external system or device.

Deen teaches (Fig. 5, lines 25-65 column 11) a system of event notification wherein the path between a client and a server is automatically expired when a timeout period of resending notification is expired. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Grant reference as modified by Jennings to include the teachings of Deen reference because by using a timeout period of resending notification, the system could reduce network congestion, as disclosed by Deen (lines 52-63 column 3).

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant in view of Jennings, and further in view of Dodrill U.S Patent No. 7,069,309.

**As to claim 7**, Grant as modified does not teach providing a detailed synopsis of an event notification delivery status pertinent to any given first external system or device. Dodrill teaches (lines 43-61 column 15) an event notification system wherein an event notification delivery status is provided to the device that published the event notification. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Grant reference as modified by Jennings to include the teachings of Dodrill reference because by providing an event notification delivery status, the system could determine whether the event notification was being received or not, as disclosed by (lines 43-61 column 15).

**As to claim 8**, Dodrill further teaches the delivery status details may be updated in real-time and may include delivery status disposition (lines 49-61 column 15). Note the discussion of claim 7 above for the reason of combining references.

**As to claim 9**, Dodrill further teaches the delivery status disposition includes delivered, failed, and/or rejected (lines 49-61 column 15). Note the discussion of claim 7 above for the reason of combining references.

### ***Response to Arguments***

9. Applicant's arguments filed 1/30/2008 have been fully considered but they are not persuasive.

Applicant argued that the cited references do not teach the amended claims (Remarks, first complete paragraph page 5). More specifically, the applicant argued the cited references do not teach new features such as: selecting one or more systems or devices capable of receiving an event notification through the selection or assignment of one or more event notification paths based upon the nature of the event notification, the first system or device generating the event and the one or more other systems or devices capable of receiving the event, and recording all of the details of the event notification. In response, the applicant argued new limitations that were not claimed before. However, these new limitations are still met by the previously and newly cited references as disclosed in the claim rejections above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Examiner, Art Unit 2194